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STATE OF WASHINGTON

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NO. 83284-6

SUPREME COURT OF THE STATE OF WASHINGTON

In re the Personal Restraint of

TEDDY GLEN TALLEY,

Petitioner,

**RESPONSE OF THE DEPARTMENT OF CORRECTIONS TO
MOTION FOR DISCRETIONARY REVIEW**

ROBERT M. MCKENNA
Attorney General

RONDA D. LARSON, WSBA #31833
Assistant Attorney General
Office of the Attorney General
Corrections Division
PO Box 40116
Olympia, WA 98504-0116
(360) 586-1445

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I. IDENTITY OF RESPONDENT

Respondent is the Washington State Department of Corrections (Department or DOC).

II. INTRODUCTION

Talley claims that he should have received jail good time and that the jail's policy of not awarding good time to jail inmates who are ineligible to participate in the jail's work programs violates equal protection. Counsel for the DOC does not represent the jail, and therefore, can defend the DOC but not the jail's policy. The Court should instead substitute the county prosecutor as the proper respondent. In any case, as counsel for DOC understands it, the jail's program for awarding good time involves inmates doing chores that include going outside the facility to empty the trash, for example. Presentence detainees are a flight risk and therefore, they are not allowed to participate. Additionally, to allow presentence detainees at Skamania County Jail to earn good time without participating in the work programs would result in the jail treating them more favorably than inmates sentenced to jail, since the sentenced inmates must engage in affirmative conduct to earn their good time.

III. DECISION

Respondent requests that this Court deny Petitioner's motion for discretionary review as to DOC. Respondent cannot speak for the jail.

The motion seeks review of the June 17, 2009, Order Granting Petition in Part and Denying Petition in Part, entered by the Washington Court of Appeals, Division Two. Appendix 1.

IV. ISSUES PRESENTED FOR REVIEW

1. Did the DOC properly rely on the jail certification?
2. Does the jail's policy of denying presentence detainees an opportunity to participate in the jail's good time program violate equal protection or former RCW 9.92.151(1) (2004)?

V. STATEMENT OF THE CASE

A. BASIS OF CUSTODY

Talley is in the Department's custody pursuant to a conviction for second degree murder, committed on October 27, 2005. Appendix 2, Judgment and Sentence. The Skamania County Superior Court (the Honorable E. Thompson Reynolds) sentenced him to 123 months of confinement. Id. at 6. His early release date is March 12, 2015. Appendix 3, OMNI Legal Face Sheet; Appendix 4, OMNI Sentence Information ("ERD 03/12/2015").

B. FACTS RELEVANT TO CLAIMS ON APPEAL

Talley pled guilty to second degree murder. Appendix 2. The trial court sentenced him to 123 months confinement. Id. at 6. The jail certified 516 days of jail time served and zero days of jail good time.

Appendix 5, Jail Certification. Talley's attorney later wrote to the jail and challenged its policy of not giving good time to certain inmates. Appendix E to Personal Restraint Petition, at Letter from Jail to Steven Thayer. Talley himself also wrote the jail seven months later and made the same challenge. Appendix E to Petition, at Letter from Jail to Talley. In both cases, the jail responded that its policy is to award good time to inmates who participate in its work programs. It explained that Talley was not eligible to participate in those programs because he had not been sentenced at the time he was in the jail and also because he was not a medium or low risk inmate. Id.

In March 2008, Talley wrote to DOC and stated that the DOC's calculation was off by 55 days because he should have earned good time credits while at the jail at a rate of 10 percent. Appendix 6, Letter from Talley to DOC dated March 11, 2008. In another letter, he stated that he was denied early release time based on the unavailability of programs. Appendix 7, Letter from DOC to Talley dated April 28, 2008. The DOC responded that he needed to contact the jail to take issue with jail good time. Appendix 8, Inmate Kite. As to the unavailability of programs, the DOC responded that the DOC does not deny good time based on a program being available or not. Appendix 7.

**VI. REASONS WHY THE COURT SHOULD DENY
DISCRETIONARY REVIEW AS TO DOC**

**A. THE CRITERIA FOR DISCRETIONARY REVIEW OF A
PERSONAL RESTRAINT PETITION**

RAP 13.4(b) sets forth the requirements that govern acceptance of discretionary review following a Court of Appeals' dismissal of personal restraint petitions. See RAP 13.5A. Under RAP 13.4(b), the Supreme Court will accept review if the Court of Appeals' decision conflicts with another decision of the Court of Appeals, if a significant question of law under the Constitution is involved, or if the petition involves an issue of substantial public interest that should be determined by the Supreme Court.

B. THE DOC DID NOT VIOLATE TALLEY'S RIGHTS

Talley claims his rights were violated by the disparate earned release time policies of the Skamania County jail. Low or medium risk inmates sentenced to serve their confinement time in the Skamania County Jail rather than in prison can earn such good time credits only because they are eligible to participate in jail work programs.¹ Appendix 9, Jail Good Time Policy. Presentence inmates and inmates deemed to be high risk are not subject to this additional requirement. The jail's work

¹ Jails award good time based on a different statute than the DOC. See RCW 9.92.151. It allows no more than one-third off in good time. Jails are not subject to RCW 9.94A.728, which governs DOC's good time policies.

programs involve tasks such as going outside to empty the trash, and presentence detainees are deemed a flight risk and therefore not allowed to participate. Additionally, to allow presentence detainees at Skamania County Jail to earn good time without participating in the work programs would result in the jail treating them more favorably than inmates sentenced to jail, since the sentenced inmates must engage in affirmative conduct to earn their good time.

Division I dealt with a similar issue in In re Cromeenes, 72 Wn. App. 353, 864 P.2d 423 (1993). There, the court found no equal protection violation. The Court held that the petitioner's argument would require the jail to treat pre-sentence inmates "more favorably than inmates sentenced to jail since the sentenced inmates must engage in 'affirmative conduct' to earn their full one-third sentence reduction." Id., 72 Wn. App. at 358.

In addition to In re Cromeenes, this Court dealt with a situation similar to Talley's in In re Fogle, 128 Wn.2d 56, 904 P. 2d 722 (1995). There, the petitioners challenged the county jails' policies of granting pre-sentencing detainees good time at a rate of less than the statutory maximum one-third available under DOC's policies. In denying the petitions, the Court determined that the county jails' policies were statutorily permissible and that the state's substantial interest in

maintaining prisoner discipline justified disparate treatment of presentence detainees. See Fogle, 128 Wn.2d at 63.

The petitioners appealed to the Ninth Circuit Court of Appeals. That court held that the county policies violated equal protection. MacFarlane v. Walter, 179 F.3d 1131 (1999). But the United States Supreme Court vacated the Ninth Circuit's opinion and ordered that the case be dismissed as moot. Lehman v. MacFarlane, 529 U.S. 1106, 120 S. Ct. 1959, 146 L. Ed. 2d 790 (2000). The Ninth Circuit then dismissed the case as moot. MacFarlane v. Walter, 216 F.3d 881 (2000).

Because the Ninth Circuit's opinion was vacated, the opinion of this Court controls. Thus, county jails' policies awarding less than the statutory maximum early release time are permissible. To allow presentence detainees at Skamania County Jail to earn good time without participating in the work programs would result in the jail treating them more favorably than inmates sentenced to jail, since the sentenced inmates must engage in affirmative conduct to earn their good time.

The Skamania County Jail's policy of not allowing presentence detainees to participate in the work programs does not implicate the DOC. The Court should deny Talley's petition as to DOC.

C. THE DOC IS ENTITLED TO RELY ON THE JAIL CERTIFICATION IN CREDITING JAIL GOOD TIME

The DOC received a jail certification from the Skamania County Jail that included no days of good conduct time. The jail certification on its face does not show any apparent or manifest errors of law. The DOC is entitled to rely on it.

Statute requires that when an offender is transferred from jail to the DOC, the jail must certify to the DOC the amount of time spent in custody at the jail and the amount of early release time earned there. RCW 9.94A.728(1). The Department is entitled to give presumptive legal effect to this certification. In re Williams, 121 Wn.2d 655, 664, 853 P.2d 444 (1993). The statute prohibits the Department from accepting a jail certification only if the certification is based on apparent or manifest errors of law. Id.

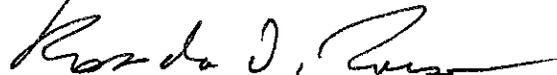
The DOC received a jail certification from the Skamania County Jail that included no days of good time. The jail certification on its face does not show any apparent or manifest errors of law. The Court should dismiss the petition as to the DOC.

VII. CONCLUSION

Talley's motion for discretionary review does not meet the criteria of RAP 13.4(b) as to DOC. See RAP 13.5A. Therefore, Respondent respectfully requests that this Court deny Talley's motion as to DOC.

RESPECTFULLY SUBMITTED this 25th day of November, 2009.

ROBERT M. MCKENNA
Attorney General



RONDA D. LARSON, WSBA# 31833
Assistant Attorney General
Corrections Division
PO Box 40116
Olympia WA 98504-0116
(360) 586-1445

CERTIFICATE OF SERVICE

I certify that on the date below I served a copy of the RESPONSE OF THE DEPARTMENT OF CORRECTIONS TO MOTION FOR DISCRETIONARY REVIEW on all parties or their counsel of record as follows:

- US Mail Postage Prepaid
- United Parcel Service, Next Day Air
- ABC/Legal Messenger
- State Campus Delivery
- Hand delivered by _____

TO:

TEDDY GLENN TALLEY #304090
MCNEIL ISLAND CORRECTIONS CENTER
PO BOX 881000
STEILACOOM WA 98388-1000

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STATE OF WASHINGTON
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BY RONALD R. CARPENTER
CLERK

I certify under penalty of perjury that the foregoing is true and correct.

EXECUTED this 25th day of November, 2009 at Olympia, Washington.

Katrina Toal
KATRINA TOAL
Legal Assistant

IN THE COURT OF APPEALS OF THE STATE OF WASHINGTON

DIVISION II

RECEIVED

JUN 19 2004

ATTORNEY GENERAL'S OFFICE
CORRECTIONS DIVISION

No. 39080-9-II

ORDER GRANTING PETITION
IN PART AND DENYING
PETITION IN PART

FILED
COURT OF APPEALS
09 JUN 17 PM 2:23
STAFF
BY

In re the
Personal Restraint Petition of

TEDDY GLEN TALLEY,

Petitioner.

Teddy Talley seeks relief from personal restraint imposed following his 2007 plea of guilty to second degree murder.¹ The trial court sentenced him to 123 months of confinement. The Skamania County Jail certified 516 days of jail time served but zero days of earned early release credits. Upon being received by the Department of Corrections on March 20, 2007, the Department calculated Talley's possible early release date as follows: 3,743 days (123 months) of confinement, less 516 days of jail time served, less 323 days (ten percent of the remaining time for DOC earned release credits).

Talley argues that his possible early release date has been miscalculated in two ways. First, he argues that the Skamania County Jail denied him equal protection by not certifying earned early release credits at the same ten percent rate that he would have earned release credits if he had been serving his time in the custody of the Department. Under its policy, the Skamania County Jail only grants earned early release credits to those inmates who have been sentenced and who are low or medium risk inmates. Talley

¹ Talley filed his petition in the Washington State Supreme Court, which transferred the petition to this court.

was a pre-sentence inmate and was a high risk inmate, so the Jail did not grant him earned early release credits. Talley claims that this policy violates equal protection. But Washington courts have upheld the authority of county jails to grant earned early release credits to pre-sentence inmates at rates lower than the rate applicable to inmates in the custody of the Department. *In re Personal Restraint of Fogle*, 128 Wn.2d 56, 63, 904 P.2d 722 (1995); *In re Personal Restraint of Cromeenes*, 72 Wn. App. 353, 358, 864 P.2d 423 (1993). Talley cites a Ninth Circuit opinion that held such practices by county jails violate equal protection. *MacFarlane v. Walter*, 179 P.3d 1131 (9th Cir. 1999). However, the United States Supreme Court vacated that opinion and ordered that the appeal be dismissed as moot. *Lehman v. MacFarlane*, 529 U.S. 1106, 120 S. Ct. 1959, 146 L. Ed. 2d 790 (2000). Talley was not denied equal protection by the Skamania County Jail's refusal to grant him earned early release credits during his confinement there.

Second, Talley argues that the Skamania County Jail miscalculated his jail time. He contends that he was confined in the jail from October 28, 2005, to March 29, 2007, which is 518 days, not 516 days as certified by the jail. Talley's arithmetic is correct, so unless there is some reason why he should not be granted credit for 518 days of jail time, he is entitled to those two additional days. In order to clarify this issue, we remand to the Skamania County Jail to either issue an amended certification certifying that Talley earned 518 days of jail time or send to the Department an explanation of the grounds for not certifying those two additional days.

Accordingly, it is hereby

ORDERED that Talley's petition is granted as to the remand to the Skamania County Jail addressed above. The remainder of Talley's petition is denied.

DATED this 17th day of June, 2009.

Bridgewater, J.
Quinter, J.
Hart, J.

cc: Teddy G. Talley
Ronda D. Larson
Department of Corrections
Skamania County Jail

SKAMANIA COUNTY
FILED
 MAR 29 2007
 SHARON K. VANCE, CLERK
 DEPUTY

304090
 3-30-07

IN THE SUPERIOR COURT OF THE
 STATE OF WASHINGTON
 IN AND FOR THE COUNTY OF SKAMANIA

STATE OF WASHINGTON,

 Plaintiff,

 vs.

 TEDDY GLENN TALLEY,

 SID:
 If no SID, use DOB: XXXXXXXXXX

 Defendant.

No. 05-1-00111-7
 Felony Judgment and Sentence (FJS)
 Prison
 RCW 9.94A.712 Prison Confinement
 Jail One Year or Less
 First-Time Offender
 Special Sexual Offender
 Sentencing Alternative
 Special Drug Offender
 Sentencing Alternative
 Clerk's Action Required, para
 4.5 (SDOSA), 4.15.2, 5.3, 5.6 and
 5.8

I. Hearing

1.1 A sentencing hearing was held and the defendant, the defendant's lawyer and the (~~deputy~~) prosecuting attorney were present.

II. Findings

There being no reason why judgment should not be pronounced, the court Finds:

2.1 Current Offense(s): The defendant was found guilty on 3-7-07 by plea jury-verdict bench trial of:

COUNT	CRIME	RCW	DATE OF CRIME
1	MURDER IN THE SECOND DEGREE	RCW 9A.32.050(1)(a)	10-27-05

(If the crime is a drug offense, include the type of drug in the second column.)

as charged in the Third Amended Information.

- Additional current offenses are attached in Appendix 2.1.
- The court finds that the defendant is subject to sentencing under RCW 9.94A.712.
- A special verdict/finding that the offense was predatory was returned on Count(s) _____ RCW 9.94A._____.
- A special verdict/finding that the victim was under 15 years of age at the time of the offense was returned on Count(s) _____ RCW 9.94A._____.

APPENDIX 2

- A special verdict/finding that the victim was developmentally disabled, mentally disordered, or a frail elder or vulnerable adult at the time of the offense was returned on Count(s) _____ RCW 9.94A.____, 9A.44.010.
- A special verdict/finding of sexual motivation was returned on Count(s) _____ RCW 9.94A.835.
- This case involves kidnapping in the first degree, kidnapping in the second degree, or unlawful imprisonment as defined in chapter 9A.40 RCW, where the victim is a minor and the offender is not the minor's parent. RCW 9A.44.130.
- A special verdict/finding for use of firearm was returned on Count(s) _____ RCW 9.94A.602, 9.94A.533.
- A special verdict/finding for use of deadly weapon other than a firearm was returned on Count(s) _____ RCW 9.94A.602, 9.94A.533.
- A special verdict/finding for Violation of the Uniform Controlled Substances Act (VUCSA) was returned on Count(s) _____, RCW 69.50.401 and RCW 69.50.435, taking place in a school, school bus, within 1000 feet of the perimeter of a school grounds or within 1000 feet of a school bus route stop designated by the school district; or in a public park, public transit vehicle, or public transit stop shelter; or in, or within 1000 feet of the perimeter of a civic center designated as a drug-free zone by a local government authority, or in a public housing project designated by a local governing authority as a drug-free zone.
- A special verdict/finding that the defendant committed a crime involving the manufacture of methamphetamine, including its salts, isomers, and salts of isomers, when a juvenile was present in or upon the premises of manufacture was returned on Count(s) _____ RCW 9.94A.605, RCW 69.50.401, RCW 69.50.440.
- The defendant was convicted of vehicular homicide which was proximately caused by a person driving a vehicle while under the influence of intoxicating liquor or drug or by the operation of a vehicle in a reckless manner and is therefore a violent offense. RCW 9.94A.030.
- The court finds that the offender has a chemical dependency that has contributed to the offense(s). RCW 9.94A.607.
- The crime charged in Count(s) _____ involve(s) domestic violence.
- Current offenses encompassing the same criminal conduct and counting as one crime in determining the offender score are (RCW 9.94A.589):
- Other current convictions listed under different cause numbers used in calculating the offender score are (list offense and cause number):

2.2 Criminal History (RCW 9.94A.525):

CRIME	DATE OF SENTENCE	SENTENCING COURT (County & State)	DATE OF CRIME	A or J Adult or Juv	TYPE OF CRIME
NO KNOWN HISTORY					

- Additional criminal history is attached in Appendix 2.2.
- The defendant committed a current offense while on community placement (adds one point to score). RCW 9.94A.525.
- The court finds that the following prior convictions are one offense

for purposes of determining the offender score (RCW 9.94A.525):
 The following prior convictions are not counted as points but as enhancements pursuant to RCW 46.61.520:

2.3 Sentencing Data:

COUNT	OFFENDER SCORE	SERIOUSNESS LEVEL	STANDARD RANGE (not including enhancements)	PLUS ENHANCEMENT (F) FIREARM (D) DEADLY WEAPON (V) VUCSA in a protected zone	TOTAL STANDARD RANGE	MAXIMUM TERM
I	0	XIV	123-220 MONTHS	N/A	123-220	LIFE \$50,000

* (F) Firearm, (D) Other deadly weapons, (V) VUCSA in a protected zone, (VH) Veh. Hom, see RCW 46.61.520, (JP) Juvenile present, (SM) Sexual motivation, RCW 9.94A.533(8).

Additional current offense sentencing data is attached in Appendix 2.3.

2.4 Exceptional Sentence. Substantial and compelling reasons exist which justify an exceptional sentence:

within below the standard range for Count(s) _____

above the standard range for Count(s) _____

The defendant and state stipulate that justice is best served by imposition of the exceptional sentence above the standard range and the court finds the exceptional sentence furthers and is consistent with the interests of justice and the purposes of the sentencing reform act.

Aggravating factors were stipulated by the defendant, found by the court after the defendant waived jury trial, found by jury by special interrogatory.

Findings of fact and conclusions of law are attached in Appendix 2.4.

Jury's special interrogatory is attached. The Prosecuting Attorney did did not recommend a similar sentence.

2.5 Ability to Pay Legal Financial Obligations. The court has considered the total amount owing, the defendant's past, present and future ability to pay legal financial obligations, including the defendant's financial resources and the likelihood that the defendant's status will change. The court finds that the defendant has the ability or likely future ability to pay the legal financial obligations imposed herein. RCW 9.94A.753.

The following extraordinary circumstances exist that make restitution inappropriate (RCW 9.94A.753):

2.6 For violent offenses, most serious offenses, or armed offenders

recommended sentencing agreements or plea agreements are [] attached [] as follows: _____

III. Judgment

3.1 The defendant is Guilty of the Counts and Charges listed in Paragraph 2.1 and Appendix 2.1.

3.2 [] The court Dismisses Counts _____ [] The defendant is found Not Guilty of Counts _____

IV. Sentence and Order

It is Ordered:

4.1 Defendant shall pay to the Clerk of this Court:

JASS CODE \$ TBD Restitution to: Birkenfeld Family
RTN/RJH \$ _____ Restitution to: _____
\$ _____ Restitution to: _____

Name & Address-Address may be withheld and provided confidentially to Clerk's Office

PCV \$ 500.00 Victim Assessment RCW 7.68.035
\$ _____ Domestic Violence assessment RCW10.99.080
CRC \$ 200.00 Court costs including RCW 9.94A.760, 9.94A.505, 10.01.160, 10.46.190.
Criminal Filing Fee \$ 200.00 FRC
Witness costs \$ _____ WFR
Sheriff service fees \$ _____ SFR/SFS/SFW/WRF
Jury demand fee \$ _____ JFR
Extradition Cost \$ _____ EXT
Other \$ _____
PUB \$ _____ Fees for court appointed attorney RCW 9.94A.760
WFR \$ _____ Court appointed defense expert and other defense costs RCW 9.94A.760
FCM/MTB \$ _____ Fine RCW 9A.20.021; [] VUCSA chapter 69.50 RCW [] VUCSA additional fine deferred due to indigency RCW 69.50.430
CDF/LDI/FCDS \$ _____ Drug enforcement fund of: RCW 9.94A.760
NTF/SAD/SDI _____
CLF \$ 100.00 Crime lab fee [] suspended due to indigency RCW 43.43.690
\$ 100.00 Felony DNA collection fee [] not imposed due to

hardship

RCW 43.43.7541

RTN/RJN \$ _____ Emergency response COSTS (Vehicular Assault, Vehicular Homicide only, \$1,000 maximum) RCW 38.52.430

\$ 500.00 Other costs for: Skamania County Sheriff's Office Investigation Fund

\$ 1400.00 TOTAL

RCW 9.94A.760

[X] The above total does not include all restitution or other legal financial obligations, which may be set by later order of the court. An agreed restitution order may be entered. RCW 9.94A.753. A restitution hearing:

[X] shall be set by the prosecutor.

[] is scheduled for .

[] Restitution Schedule attached.

[] Restitution ordered above shall be paid jointly and severally with:

Name of other defendant Cause Number (Victim's name) (Amount-\$)

RJN

[] The Department of Corrections (DOC) or clerk of the court shall immediately issue a Notice of Payroll Deduction. RCW 9.94A.7602, RCW 9.94A.760(8).

[X] All payments shall be made in accordance with the policies of the clerk of the court and on a schedule established by DOC or the clerk of the court, commencing immediately, unless the court specifically sets forth the rate here: Not less than \$ 25 per month commencing MAY 1, 2007 . RCW 9.94A.760.

The defendant shall report as directed by the clerk of the court and provide financial information as requested. RCW 9.94A.760(7)(b).

[] In addition to the other costs imposed herein, the court finds that the defendant has the means to pay for the cost of incarceration and is ordered to pay such costs at the rate of \$50.00 per day, unless another rate is specified here: _____ . (JLR) RCW 9.94A.760.

The financial obligations imposed in this judgment shall bear interest from the date of the judgment until payment in full, at the rate applicable to civil judgments. RCW 10.82.090. An award of costs on appeal against the defendant may be added to the total legal financial obligations. RCW 10.73.160.

4.2 DNA Testing. The defendant shall have a biological sample collected for purposes of DNA identification analysis and the defendant shall fully cooperate in the testing. The appropriate agency shall be responsible for obtaining the sample prior to the defendant's release

from confinement. RCW 43.43.754.

HIV Testing. The defendant shall submit to HIV testing. RCW 70.24.340.

4.3 The defendant shall not have contact with _____

(name, DOB) including, but not limited to, personal, verbal, telephonic, written or contact through a third party for life (not to exceed the maximum statutory sentence).

Domestic Violence No-Contact Order, Antiharassment No-Contact Order, or Sexual Assault Protection Order is filed with this Judgment and Sentence.

The defendant is ordered to reimburse _____ (name of electronic monitoring agency) at _____ for the cost of pretrial electronic monitoring in the amount of \$ _____.

4.4 Other: _____

4.5 Confinement Over One Year. The defendant is sentenced as follows:

(a) Confinement. RCW 9.94A.589. Defendant is sentenced to the following term of total confinement in the custody of the Department of Corrections (DOC):

<u>123</u> months on Count <u>I</u>	_____ months on Count _____
-------------------------------------	-----------------------------

Actual number of months of total confinement ordered is: _____

(Add mandatory firearm, deadly weapons, and sexual motivation enhancement time to run consecutively to other counts, see Section 2.3, Sentencing Data, above.)

The confinement time on Count(s) _____ contain(s) a mandatory minimum term of _____.

All counts shall be served concurrently, except for the portion of those counts for which there is a special finding of a firearm, other deadly weapon, sexual motivation, VUCSA in a protected zone, or manufacture of methamphetamine with juvenile present as set forth above at Section 2.3, and except for the following counts which shall be served consecutively: _____

The sentence herein shall run consecutively with the sentence in cause number(s) _____

but concurrently to any other felony cause not referred to in this Judgment. RCW 9.94A.589.

Confinement shall commence immediately unless otherwise set forth here: _____

(b) Confinement. RCW 9.94A.712 (Sex Offenses only): The defendant is sentenced to the following term of confinement in the custody of the DOC:

Count _____ minimum term _____ maximum term _____

Count _____ minimum term _____ maximum term _____

(c) The defendant shall receive credit for time served prior to sentencing if that confinement was solely under this cause number. RCW 9.94A.505. The time served shall be computed by the jail unless the credit for time served prior to sentencing is specifically set forth by the court: 510 days JT, P, G

4.6 [] Community Placement is ordered as follows:

Count _____ for _____ months; Count _____ for _____ months;

Count _____ for _____ months; Count _____ for _____ months.

[] Community Custody for count(s) _____, sentenced under RCW 9.94A.712, is ordered for any period of time the defendant is released from total confinement before the expiration of the maximum sentence.

[X] Community Custody is ordered as follows:

Count I for a range from 24 to 48 months;

Count _____ for a range from _____ to _____ months;

Count _____ for a range from _____ to _____ months;

or for the period of earned release awarded pursuant to RCW 9.94A.728(1) and (2), whichever is longer, and standard mandatory conditions are ordered. [See RCW 9.94A.700 and .705 for community placement offenses, which include serious violent offenses, second degree assault, any crime against a person with a deadly weapon finding and chapter 69.50 or 69.52 RCW offenses not sentenced under RCW 9.94A.660 committed before July 1, 2000. See RCW 9.94A.715 for community custody range offenses, which include sex offenses not sentenced under RCW 9.94A.712 and violent offenses committed on or after July 1, 2000. Use paragraph 4.7 to impose community custody following work ethic camp.]

On or after July 1, 2003, DOC shall supervise the defendant if DOC classifies the defendant in the A or B risk categories; or, DOC classifies the defendant in the C or D risk categories and at least one of the following apply:

a) the defendant committed a current or prior:

i) Sex offense ii) Violent offense iii) Crime against a person (RCW 9.94A.411)

iv) Domestic violence offense (RCW 10.99.020) v) Residential burglary offense

vi) Offense for manufacture, delivery or possession with intent to deliver methamphetamine including its salts, isomers, and salts of isomers,

vii) Offense for delivery of a controlled substance to a minor; or attempt, solicitation or conspiracy (vi, vii)

b) the conditions of community placement or community custody include chemical dependency treatment.

c) the defendant is subject to supervision under the interstate compact agreement, RCW 9.94A.745.

While on community placement or community custody, the defendant shall: (1) report to and be available for contact with the assigned community corrections officer as directed; (2) work at DOC-approved education, employment and/or community restitution (service); (3) notify DOC of any change in defendant's address or employment; (4) not consume controlled substances except pursuant to lawfully issued prescriptions; (5) not unlawfully possess controlled substances while in community custody; (6) pay supervision fees as determined by DOC; (7) perform affirmative acts necessary to monitor compliance with the orders of the court as required by DOC; and (8) for sex offenses, submit to electronic monitoring if imposed by DOC. The residence location and living arrangements are subject to the prior approval of DOC while in community placement or community custody. Community custody for sex offenders not sentenced under RCW 9.94A.712 may be extended for up to the statutory maximum term of the sentence. Violation of community custody imposed for a sex offense may result in additional confinement.

The defendant shall not consume any alcohol.

Defendant shall have no contact with:

Defendant shall remain within outside of a specified geographical boundary, to wit: _____

Defendant shall not reside in a community protection zone (within 880 feet of the facilities or grounds of a public or private school). (RCW 9.94A.030(8)).

The defendant shall participate in the following crime-related treatment or counseling services: _____

The defendant shall undergo an evaluation for treatment for domestic violence substance abuse

mental health anger management and fully comply with all recommended treatment.

The defendant shall comply with the following crime-related prohibitions: _____

Other conditions: See 'Appendix A'

For sentences imposed under RCW 9.94A.712, other conditions, including electronic monitoring, may be imposed during community custody by the Indeterminate Sentence Review Board, or in an emergency by DOC. Emergency conditions imposed by DOC shall not remain in effect longer than seven working days.

4.7 Work Ethic Camp. RCW 9.94A.690, RCW 72.09.410. The court finds that the defendant is eligible and is likely to qualify for work ethic camp and the court recommends that the defendant serve the sentence at a work ethic camp. Upon completion of

work ethic camp, the defendant shall be released on community custody for any remaining time of total confinement, subject to the conditions below. Violation of the conditions of community custody may result in a return to total confinement for the balance of the defendant's remaining time of total confinement. The conditions of community custody are stated above in Section 4.6.

- 4.8 Off Limits Order. (known drug trafficker) RCW 10.66.020. The following areas are off limits to the defendant while under the supervision of the county jail or Department of Corrections: _____

V. Notices and Signatures

- 5.1 Collateral Attack on Judgment. Any petition or motion for collateral attack on this Judgment and Sentence, including but not limited to any personal restraint petition, state habeas corpus petition, motion to vacate judgment, motion to withdraw guilty plea, motion for new trial or motion to arrest judgment, must be filed within one year of the final judgment in this matter, except as provided for in RCW 10.73.100. RCW 10.73.090.
- 5.2 Length of Supervision. For an offense committed prior to July 1, 2000, the defendant shall remain under the court's jurisdiction and the supervision of the Department of Corrections for a period up to 10 years from the date of sentence or release from confinement, whichever is longer, to assure payment of all legal financial obligations unless the court extends the criminal judgment an additional 10 years. For an offense committed on or after July 1, 2000, the court shall retain jurisdiction over the offender, for the purpose of the offender's compliance with payment of the legal financial obligations, until the obligation is completely satisfied, regardless of the statutory maximum for the crime. RCW 9.94A.760 and RCW 9.94A.505(5). The clerk of the court is authorized to collect unpaid legal financial obligations at any time the offender remains under the jurisdiction of the court for purposes of his or her legal financial obligations. RCW 9.94A.760(4) and RCW 9.94A.753(4).
- 5.3 Notice of Income-Withholding Action. If the court has not ordered an immediate notice of payroll deduction in Section 4.1, you are notified that the Department of Corrections or the clerk of the court may issue a notice of payroll deduction without notice to you if you are more than 30 days past due in monthly payments in an amount equal to or greater than the amount payable for one month. RCW 9.94A.7602. Other income-withholding action under RCW 9.94A.760 may be taken without further notice. RCW 9.94A.7606.
- 5.4 Restitution Hearing.
[] Defendant waives any right to be present at any restitution hearing (sign initials): _____
- 5.5 Any violation of this Judgment and Sentence is punishable by up

to 60 days of confinement per violation. RCW 9.94A.634.

- 5.6 Firearms. You must immediately surrender any concealed pistol license and you may not own, use or possess any firearm unless your right to do so is restored by a court of record. (The clerk of the court shall forward a copy of the defendant's driver's license, identicard, or comparable identification to the Department of Licensing along with the date of conviction or commitment.) RCW 9.41.040, 9.41.047.
- 5.8 [] The court finds that Count _____ is a felony in the commission of which a motor vehicle was used. The clerk of the court is directed to immediately forward an Abstract of Court Record to the Department of Licensing, which must revoke the defendant's driver's license. RCW 46.20.285.
- 5.9 If the defendant is or becomes subject to court-ordered mental health or chemical dependency treatment, the defendant must notify DOC and the defendant's treatment information must be shared with DOC for the duration of the defendant's incarceration and supervision. RCW 9.94A.562.
- 5.10 Other: _____

DONE IN OPEN COURT in the presence of the defendant this date: 3-29-07

SWT

Attorney for Defendant
WSBA # 7449
Print Name: STEVEN W. THAYER

Teddy Glenn Talley

TEDDY GLENN TALLEY
Defendant

Peter S. Banks

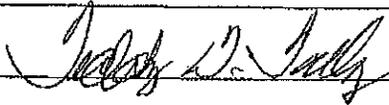
JUDGE W. THOMPSON REYNOLDS

Peter S. Banks

Prosecuting Attorney
WSBA # 7174
Print Name: PETER S. BANKS

Voting Rights Statement: I acknowledge that my right to vote has been lost due to felony conviction. If I am registered to vote, my voter registration will be cancelled. My right to vote may be restored by: a) A certificate of discharge issued by the sentencing court, RCW 9.94A.637; b) A court order issued by the sentencing court restoring the right, RCW 9.92.066; c) A final order of discharge issued by the indeterminate sentence review board, RCW 9.96.050; or d) A certificate of restoration issued by the governor, RCW 9.96.020. Voting before the right is restored is a class C felony, RCW 92A.84.660.

Defendant's signature: _____



CAUSE NUMBER of this case: 05-1-00111-7

I, SHARON K. VANCE, Clerk of this Court, certify that the foregoing is a full, true and correct copy of the Judgment and Sentence in the above-entitled action, now on record in this office.

WITNESS my hand and seal of the said Superior Court affixed this date:

Clerk of the Court of said county and state, by: _____ Deputy Clerk

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304090
3.30.07

IN THE SUPERIOR COURT OF THE
STATE OF WASHINGTON
IN AND FOR THE COUNTY OF SKAMANIA
STATE OF WASHINGTON,
Plaintiff,
vs.
TEDDY GLENN TALLEY,
DOB: [REDACTED]
WMA: 5'08" 160 LBS
EYES: GRN
Defendant.

SKAMANIA COUNTY
FILED
MAR 29 2007
SHARON K. VANCE, CLERK
DEPUTY

NO. 05-1-00111-7
WARRANT OF COMMITMENT

STATE OF WASHINGTON)
: SS
COUNTY OF SKAMANIA)

TO: THE SHERIFF OF SKAMANIA COUNTY

The defendant: TEDDY GLENN TALLEY has been convicted in the Superior Court of the State of Washington of the crime of: MURDER IN THE SECOND DEGREE and the Court has ordered that the defendant be punished by serving the determined sentence of:

- 123 months on Count I
- _____ (days) (months) of partial confinement in the County Jail
- _____ (days) (months) of total confinement in the County Jail
- YOU, THE SHERIFF, ARE COMMANDED to receive the defendant for classification, confinement and placement as ordered in the Judgment and Sentence.
- YOU, THE SHERIFF, ARE COMMANDED to take and deliver the defendant to the proper officers of the Department of Corrections; and

1 YOU, THE PROPER OFFICERS OF THE DEPARTMENT OF CORRECTIONS, ARE COMMANDED to
2 receive the defendant for classification, confinement and placement as
ordered in the Judgment and Sentence.

3 [] The defendant is committed for up to thirty (30) days evaluation
4 at Western State Hospital or Eastern State Hospital to determine
amenability to sexual offender treatment.

5 YOU, THE SHERIFF, ARE COMMANDED to take and deliver the defendant to the
6 proper officers of the Department of Corrections pending delivery to the
proper officers of the Secretary of the Department of Social and Health
7 Services.

8 YOU, THE PROPER OFFICERS OF THE SECRETARY OF THE DEPARTMENT OF SOCIAL AND
HEALTH SERVICES, ARE COMMANDED to receive the defendant for evaluation as
9 ordered in the Judgment and Sentence.

10 DATED: March 19, 2007 By Direction of the Honorable:

11 E. THOMPSON REYNOLDS
12 JUDGE
Shaon K Vance
13 Clerk

14 By: Paula V Seene Deputy
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Inmate: TALLEY, Teddy Glenn (304090)

Gender: Male	DOB: [REDACTED] Age: 57	Category: Regular Inmate	Body Status: Active Inmate
RLC: RMD	Wrap-Around: No	Comm. Concern: No	Custody Level: Minimum 3 - Long Term Minimum
ERD: 03/12/2015			Location: MICC — MDU / D2202
			CC/CCO: Wooten, Dairyene G

Offender Information (Combined)

Prison Max Expiration Date:	01/29/2016	Last Static Risk Assessment Date:	07/30/2007	DOSA:	
Planned Release Date:		Last Offender Need Assessment Date:		ISRB?	No
Earned Release Date:	03/12/2015	RIC Override Reason:		CCB?	No
ESR Sex Offender Level:		OSP Status:		SOSSA?	No
ESR Sex Offender Level Date:		Offender Release Plan:	Pending RLC	WEP?	No
County Sex Offender Level:		Victim Witness Eligible?			Yes
Registration Required?		County Of First Felony Conviction:	Skamania		
DMIO?	No	P U L L E S D N T 2 1 1 2 1 1 3 1 1			
DD?	No				
SMIO?					

Personal Characteristics

Aliases, Dates of Birth and Places of Birth

Aliases					
*Last Name:	First Name:	Middle Name or Initial:	Suffix:		
Dates of Birth					
*Dates of Birth:	Use for Age Calculation?	City:	State / Province:	Country:	
[REDACTED]	Yes	Unknown	Texas	United States	

Identifications

General					
FBI Number:	FBI Fingerprint Code:	WA State ID Number:	ICE Registration Number:		
153886EA0	DODIPMPI17181513PI18	WA12965072			
Social Security			Driver's License		
Social Security Number:	Validated with SSA?	Driver's License Number:	State / Province:	Country:	
[REDACTED]	N				
Jurisdiction					
*Type of Jurisdiction:	County/State/Country:	*Other Jurisdiction Number:			

Physical Description / Marital Status

Gender:	Hair Color:	Eye Color:	Complexion:	Marital Status:
Male	Brown	Blue	Medium	
Height:	Weight:	*Person Type:	*Twin or Multiple Births?	

APPENDIX 3

5 Ft. 8 In. 175 Lbs DOC N

Race, Hispanic Origin and Citizenship

Race: Ethnic Affiliation: Use for Documentation? Hispanic Origin? Citizenship:
White European/N.Am./Austr Y N United States

Languages

Language: Comprehend? Read? Prefers:
English Yes No Yes

Scars, Marks and Tattoos

SMT Type: SMT Subtype: Body Part: Description:

Remarks

OBTS Conversion: C5350607 04/04/07

Religion and Diet

Religious Preference: Denomination or Sect: Diet Name: Approved At: Effective Date: End Date:
Christian Protestant 03/01/2007
Christian Protestant 08/01/2007

Primary, Mailing and Other Addresses

Role: Name and Address: Current Residence? Valid for Mailing? Disclosable? Effective Date: End Date:

Emergency Contacts

Relationship: Emergency Contact Name and Address: Phone Number: Effective Date: End Date:

Wife [Redacted] 07/31/2008

OBTS Emergency Contact Info Follows:

[Redacted]
OBTS Conversion

Email Addresses and Phone Numbers

Email Addresses

Role: Name: Email Address: Effective Date: End Date:

Phone Numbers

Role: Name: Phone Number: Effective Date: End Date:

Employers

Employer Name: Occupation: Contact Name: Address: Employer Email: Phone Number: Monthly Income: Effective Date: End Date:

Other Monthly Income

Other Monthly Income Description (Current): Other Monthly Income Amount (Current):

Monthly Income From All Sources (Current): \$0.00

Military Service

Claim Number

Branch: Start Date: End Date: Served In: Service Number: Type of Discharge: DD214 Verified? War Zones:

Vehicles

Year: Make: Model: Type: Color: License Plate Number: State: Country:

Sentence Structure (Field)

Cause: AA - 051001117 - Skamania

Convicted Name:	Date Of Sentence:	Cause Status:	Offense Category:
Teddy Talley	03/29/2007	Active	Murder 2
Distinct Supervision Type:	Start Date:	Scheduled End Date:	Consecutive Supervision:
CCP	03/12/2015	03/11/2019	

Count: 1 - RCW 9A.32.050 - Murder 2

Count Start Date:	Supervision Length:	Length In Days:	Count End Date:	Stat Max:
03/12/2015	4Y, 0M, 0D	1,460	03/11/2019	Life
Violent Offense?	DW / FA Enhancement?	Anticipatory:		
Yes	N			

Sentence Structure (Inmate)

Cause: AA - 051001117 - Skamania

State:	Convicted Name:	Date Of Sentence:	Consecutive Cause:
Washington	Teddy Talley	03/29/2007	
Time Start Date:	Confinement Length:	Earned Release Date:	
03/30/2007	10Y, 3M, 0D	03/12/2015	

Count: 1 - RCW 9A.32.050 - Murder 2

Anticipatory:	Modifier:	Enhancement:	Mandatory:	Confinement Length:	ERT %:	ERD:	MaxEx:	Stat Max:	Violent Offense?
				10Y, 3M, 0D	10.00%	03/12/2015	01/29/2016	Life	Yes
Supervision Type:	Supervision Length:	Consecutive Count:						Hold To Stat Max Expiration:	
CCP	4Y, 0M, 0D								

Conditions

Cause: AA - 051001117 - Skamania

Condition Name	Narrative	Imposing Authority	Start Date	End Date
Advise CCO-Change/Address		Court Ordered	03/29/2007	
Advise CCO-Change/Employment		Court Ordered	03/29/2007	
Alcohol-Consume		Court Ordered	03/29/2007	
CCO-Report		Court Ordered	03/29/2007	
Comply-Affirmative Acts		Court Ordered	03/29/2007	
Controlled Substance-Consume		Court Ordered	03/29/2007	
Controlled Substance-Possess		Court Ordered	03/29/2007	
Maintain Ed/Voc		Court Ordered	03/29/2007	
Maintain Employment		Court Ordered	03/29/2007	
Contact- Victim(S)	[REDACTED]	Court Ordered	03/29/2007	
No Firearms/Deadly Weapon		Court Ordered	03/29/2007	
Non-Sex Offender/Living		Court Ordered	03/29/2007	

Obey All Laws
 Pay LFOs
 Pay Supervision Fees

Court Ordered 03/29/2007
 Court Ordered 03/29/2007
 Court Ordered 03/29/2007

Violations Summary

Offender Violations

Violation Group Number	Level of Response	Response Date
There is no data to display.		

Gain-Loss

Cause - 051001117 - Skamania

Cause Info

Convicted Name: Teddy Talley Date Of Sentence: 03/29/2007 Schedule End Date: 03/11/2019 Cause Status:
 Crime Type: Murder 2 DOSA: No Intake Complete: No EM Flag: No

Distinct Supervision Info

Cause Prefix: AA Type: CCP Statutory Max Date: Life Schedule End Date: 03/11/2019 Tolling Indicator: No

Supervision Activities

Supervision Type	Activity Type	Activity Date	State	Supervising Officer	Field Office
There is no data to display.					

[Reorder](#) [Include Transfer Activities](#)

External / Internal Movements

Movement Date/Time	From Location	To Location	Movement Type	Movement Reason	Created By			
Facility Name	Bed Assignment	Bed ID	Assigned Counselor	Position ID	Counselor Assignment	Segregation Placement	Segregation Narrative	Created By
MICC	08/13/2008	D2202	Wooten, Dairyene G	70051514	06/06/2008			System, Obts
MICC	03/13/2008	D1071	Wooten, Dairyene G	70051514	06/06/2008			Ohelo, Renee L
MICC	10/23/2007	D1072	Wooten, Dairyene G	70051514	06/06/2008			System, Obts
MICC	09/20/2007	D2131	(Vacant)	70047253	06/18/2007			System, Obts
09/20/2007 09:30:00	WCC-RC	MICC		Transfer Between Prisons		Good Adjustment		System, Obts
09/20/2007 06:00:00	WCC-RC	MICC		Transfer Between Prisons		Good Adjustment		System, Obts
Facility Name	Bed Assignment	Bed ID	Assigned Counselor	Position ID	Counselor Assignment	Segregation Placement	Segregation Narrative	Created By
MICC	09/20/2007	D2131	Wooten, Dairyene G	70051514	06/06/2008			System, Obts
WCC-RC	09/17/2007	5E04L	(Vacant)	70047253	06/18/2007			System, Obts
09/17/2007								System,

02:30:00	MCC-WSR	WCC-RC		Transfer Between Prisons	Good Adjustment			Obts
09/17/2007 11:34:00	MCC-WSR	MICC		Transfer Between Prisons	Good Adjustment			System, Obts
Facility Name	Bed Assignment	Bed ID	Assigned Counselor	Position ID	Counselor Assignment	Segregation Placement	Segregation Narrative	Created By
MCC-WSR	08/23/2007	B404L	(Vacant)	70047253	06/18/2007			System, Obts
MCC-WSR	06/18/2007	B404U	(Vacant)	BR19	06/12/2007			System, Obts
06/18/2007 10:11:00	WCC-RC	MCC-WSR		Transfer Between Prisons	Initial Classification			System, Obts
06/18/2007 06:00:00	WCC-RC	MCC-WSR		Transfer Between Prisons	Initial Classification			System, Obts
Facility Name	Bed Assignment	Bed ID	Assigned Counselor	Position ID	Counselor Assignment	Segregation Placement	Segregation Narrative	Created By
MCC-WSR	06/18/2007	B404U	(Vacant)	70047253	06/18/2007			System, Obts
WCC-RC	04/23/2007	5A06U	(Vacant)	BR19	06/12/2007			System, Obts
WCC-RC	04/23/2007	5A06U	(Vacant)	BR77	03/30/2007			System, Obts
WCC-RC	04/19/2007	5A05F	(Vacant)	BR77	03/30/2007			System, Obts
WCC-RC	04/17/2007	1C07U	(Vacant)	BR77	03/30/2007			System, Obts
WCC-RC	03/30/2007	1E08U	(Vacant)	BR77	03/30/2007			System, Obts
03/30/2007 03:45:00	Skamania	WCC-RC		Admission To Prison	Initial Classification			System, Obts
Facility Name	Bed Assignment	Bed ID	Assigned Counselor	Position ID	Counselor Assignment	Segregation Placement	Segregation Narrative	Created By
WCC-RC	03/30/2007	1E08U	(Vacant)	BR77	03/30/2007			System, Obts

Earned Time

Start Date	End Date	Action Date	Type	Reason	Days
03/30/2007	06/01/2007	03/30/2007	Earned		2.33
06/01/2007	09/01/2007	06/01/2007	Earned		3.41
09/01/2007	10/01/2007	09/01/2007	Earned		1.11
10/01/2007	03/01/2008	10/01/2007	Earned		5.63

Infraction Summary

Offender Infraction

Infraction Group Number	Overall Infraction Report Status	Hearing Type	Infraction Data Indicator	Incident Date	Violation Codes
-------------------------	----------------------------------	--------------	---------------------------	---------------	-----------------

There is no data to display.

Offender Holds

Date/Time	Hold Reason	Hold Location	Notes Exist	Authorizing Staff	Hold Until Date	Closed Date	Closed By
02/01/2008 11:49:00	Medical Hold	MICC		System, Obts	05/01/2009		
01/28/2008 12:12:00	Medical Hold	MICC		System, Obts	04/22/2009	02/01/2008	
01/18/2008 14:17:00	Vocational Education	MICC		Wooten, Dairylene G	04/12/2008	01/18/2008	
01/17/2008 11:48:00	Medical Hold	MICC		System, Obts	01/16/2009	01/28/2008	
04/26/2007 12:49:00	Medical Hold	WCC-RC		System, Obts	06/26/2007	05/31/2007	
04/26/2007 12:43:00	Medical Hold	WCC-RC		System, Obts	06/26/2007	05/31/2007	
04/18/2007 10:52:00	Minimum 3 Targeted	WCC-RC		Maccionnath, Cailin L	09/30/2007	09/07/2007	

Custody Facility Plan History

Next Review Date

03/12/2009

Current Incarceration

Review Type	Purpose	Start Date	Custody Score	Calculated Custody
1 Regular Review		07/30/2008	67	Minimum
2 Plan Change		07/16/2007	59	Minimum
3 Initial		04/18/2007	37	Close

Assigned Custody	Override Reason	Location	In-Effect Date	Status
Minimum 3 - Long Term Minimum		MICC	08/08/2008	In-Effect
2 Minimum 3 - Long Term Minimum			08/03/2007	Archive
3 Close			06/08/2007	Archive

Washington State
Department of Corrections

Home | Assignments | Offender | Facility | Search | Administration
Home > Offender > Sentence Information > View J & S - Prison

Offender Management Network Information

DOC No.: 304090

Selected DOC No.: 304090 TALLEY, Teddy Glenn

[Help](#) Logged in as Kimberly Sobol

Sentence Information Menu

- View J & S - Prison
- View J & S - Field
- Conditions
- Earned Time
- Problem J & S

Inmate: TALLEY, Teddy Glenn (304090)

Gender: Male	DOB: [REDACTED]	Age: 57	Category: Regular Inmate	Body Status: Active Inmate
RLC: RMD	Wrap-Around: No	Comm. Concern: No	Custody Level: Minimum	Location: MITCC - MDU / D2202
ERD: 03/12/2015			3 - Long Term Minimum	CC/CCO: Wooten, Dairvene G

View J & S - Prison

Period Of Jurisdiction
03/30/2007 - Current

Display
 Include Closed Causes

Sentence Drilldown:
Cause, Count, & Confinement Element

ERD Calculations
 MaxEx Calculations
 Out Time
 Graphical Sentence View
 StatMax Calculations

Offender Overall	Cause Count	Confinement Element	Consecutive Confinement	Status	Length	Time Start Date	ERD
AA-051001117-Skamania-CCP	1	Murder 2	Active	10Y, 3M, 0D	03/30/2007	03/12/2015	
Base			Active	10Y, 3M, 0D	03/30/2007	03/12/2015	3,743 516 0
			Active	10Y, 3M, 0D	03/30/2007	03/12/2015	3,743 516 0
				10Y, 3M, 0D	03/30/2007	03/12/2015	3,743 516 0

+ Out Time	-	-	-	-	-	-	-
Available GCT	-	-	-	-	-	-	-
+ GCT Lost	-	-	-	-	-	-	-
GCT Certified	-	-	-	-	-	-	-
Potential GCT	-	-	-	-	-	-	-
Available ET	-	-	-	-	-	-	-
+ ET Not Earned	-	-	-	-	-	-	-
ET Earned	-	-	-	-	-	-	-
- Potential ET	-	-	-	-	-	-	-
ERT %	-	-	-	-	-	-	-
- Cause ERT Credit	-	-	-	-	-	-	-
- Cause Credits	-	-	-	-	-	-	-
+ Length In Days	-	-	-	-	-	-	-

Maintain

Create

APPENDIX 4



STATE OF WASHINGTON
DEPARTMENT OF CORRECTIONS

JAIL TIME CERTIFICATION

The following information is requested for the purpose of crediting time spent in confinement prior to the transfer of the below listed subject:

NAME <i>Talley, Teddy G.</i>	DOC	DATE OF BIRTH: [REDACTED]
------------------------------	-----	---------------------------------------------------------------------------------------

COUNTY: SKAMANIA	CAUSE: <i>05-1-00111-7</i>
-------------------------	----------------------------

Please list all dates of arrest and release plus earned early release credits concerning the above subject up to the Date of Transfer, then return to the address below. Thank you.

START DATE	END DATE	TOTAL DAYS SERVED	EARNED EARLY RELEASE CREDITS
<i>10/28/05</i>	<i>03/29/07</i>	<i>516</i>	<i>0</i>
TOTAL DAYS SERVED			

Dale Mellon

 SIGNATURE OF JAIL RECORDS OFFICIAL
03/29/07

 DATE

 RECORDS OFFICER, DEPARTMENT OF CORRECTIONS

 DATE

Washington Corrections Center-Records
P. O. Box 900
Shelton, WA 98584

Date: March 11, 2008

TO: Sue Lay
Records Department
McNeil Island Corrections Center

From: Teddy Talley, #304090 D107
McNeil Island Corrections Center

Re: Earned Good Time of 10% Off My Entire Sentence

Ms. Sue Lay:

Equal protection requires good-time credit be granted for presentence incarceration (State v. Jones, 126 Wn. App. 136, 143, 107 P.3d 755 (2005) (citing, Mota, 114 Wn. 2d at 474)) "[w]hich requires that good-time credit be calculated on the basis of the total sentence, rather than the time served." In re Williams, 121 Wash. 2d 655, 659, 853 P.2d 444 (1993). "Department of Corrections failure to compute good-time credit on basis of total sentence or for presentence time in county jail did not further substantial interest of state and violated equal protection." Matter of Mota, 54 Wash. App. 252, 773 P.2d 129, affirmed and remanded 114 Wash. 2d 465, 788 P.2d 538 (1989).

In my case, the Department of Corrections failed to compute good-time credit on basis of my total sentence or for presentence time in county jail. Your records show 3424.25 ERD 03/12/15. The calculations in this case would be proper at: 3369.43 ERD 01/17/15. There is a difference in 55-days.

I should be allowed to earned Good Time of 10% off my entire sentence.

Please respond to my earned early release (ERD). Thank you for your time in the matter.

Respectfully submitted by,



Teddy Talley #304090 D107
McNeil Island Corrections Center
P.O. BOX 88-1000
Steilacoom, WA 98388-1000

cc: file

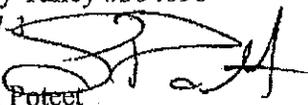
APPENDIX 6



STATE OF WASHINGTON
DEPARTMENT OF CORRECTIONS
OFFICE OF CORRECTIONAL OPERATIONS
MCNEIL ISLAND CORRECTIONS CENTER
P.O. Box 88900 • Steilacoom, Washington 98388-0900 • (253) 588-5281

April 28, 2008

TO: Teddy Talley #304090
D107-1

FROM: Sheri Poter 
Associate Superintendent

RE: **RELEASE TIME**

I received your correspondence dated April 16, 2008, in which you state that you have not received the entire amount of your earned early release credits. You further state that you have been denied early release time based on the unavailability of programs.

I can assure you that neither DOC policy nor the application of this policy denies earned time based on available programming that is offered at a given institution.

It appears that you filed a grievance concerning your early release credits with the Grievance Coordinator on April 11, 2008. Therefore, it would not be appropriate for me to comment on this part of your concerns at this time. Please allow the administrative process to continue to its completion. If you have further concerns, please continue to work with the Grievance Coordinator to resolve the matter.

SP:sl:jf: SP08.107; D1071

cc: Daniel Fitzpatrick, Correctional Program Manager
Mark Wesner, Grievance Coordinator
Dennis Tabb, Correctional Unit Supervisor
Dairyene Wooten, Classification Counselor 2
Central File
File

APPENDIX 7

"Working Together for SAFE Communities"



STATE OF WASHINGTON
DEPARTMENT OF CORRECTIONS

INMATE'S KITE
PAPELETA DE PETICION DEL RECLUSO

INMATE NAME (PRINT) NOMBRE DEL RECLUSO (LETRA DE MOLDE)		
TAILEX, TEDDY		
DOC NUMBER / NUMERO DOC	UNIT, CELL / UNIDAD, CELDA	DATE / FECHA
304090	D-107-1	3-15-08
DESIRE INTERVIEW WITH OR ANSWER FROM / DESEA ENTREVISTA CON O RESPUESTA DE		
MCC / Rewards Department / Sue Lay		

Interpreter needed for _____ (language).
 Necesito intérprete para _____ (idioma).

REASON / QUESTION RAZON / PREGUNTA
 Please find attached request for
 correction of my SPD i.e. good
 time credit. Dated March 11, 2008.
 Thank you for your time
 & assistance in this matter.

MARK 10 2008
 McNEIL ISLAND CORREC. Thank you!
 RECORDS OFFICE

SIGNATURE / FIRMA
 Teddy X Blakey
 DAYS OFF / DIAS LIBRES
 30-500

RESPONSE RESPUESTA
 Good time credit need to be address
 through the county jail where you
 were incarcerated.

RESPONDER / PERSONA QUE RESPONDE
 D. [Signature]
 DATE / FECHA
 4-20-08

Distribution: WHITE/YELLOW-Responder, YELLOW-Return to Offender with Response, PINK-Offender keeps
 Distribución: BLANCA/YAMARILLA-Persona que responde, AMARILLA-Devuelva al recluso con respuesta, ROSA-Se le
 queda al recluso
 DOC 31-473 5/9 (7/2005) 000

Larson, Ronda (ATG)

From: David Waymire [davidw@co.skamania.wa.us]
Sent: Wednesday, November 04, 2009 11:52 AM
To: Larson, Ronda (ATG)
Subject: FW:

Ronda

Good Time:

1. Sentences may be reduced up to 1/3 for trustees, and work crew participants based on their performance, and the amount of sentence that was served as a trustee.

Good Time is not allowed for trustees who are serving time on fines, court ordered "not to receive good time" and Sex offenders.

Trustee

An inmate wishing to participate in our trustee program must first meet the following criteria:

1. Sentenced on all charges
2. Have no outstanding warrants or holds from other agencies.
3. Must show the willingness and ability to perform all necessary duties.
4. Because trustees will be required to interact with other inmates and jail staff in conjunction with their duties, their attitude and personality may be the deciding factor in the selection process.
5. Any inmate with an active protection order in which the protected person resides in Skamania County will not be allowed to work outside our facility but may be approved for interior facility work.

Work Crew

Selection:

Inmates who wish to participate in the In-Custody Work Crew program shall submit their request in writing. Only those inmates classified as medium security or lower shall be allowed to apply for the program. Post-sentenced inmates are eligible for the work crew program. Those inmates that have a valid felony warrant from other jurisdictions and no local charges are unable to participate without written authorization from the jurisdiction of the warrant specifying the inmate is eligible. Any inmate determined to be a risk of flight, assault, and/ or restricted by medical reasons will be determined ineligible. Inmate must also meet the following selection criteria.

1. Sentenced on all charges
2. Have no outstanding felony warrants or holds from other agencies.
3. Any inmate with an active protection order in which the protected person resides in Skamania County will not be allowed to work outside our facility.
4. Not be a Sex Offender.
5. A Criminal History check of all applicants will be done. Any person with an extensive criminal history that includes violent offenses may be dis-qualified from this process.

David Waymire
Chief Deputy
Skamania County Sheriff's Office

APPENDIX 9

SUPREME COURT OF THE STATE OF WASHINGTON

In re Personal Restraint Petition of:

TEDDY GLENN TALLEY,

Petitioner.

DECLARATION OF
KIMBERLY SOBOL

I, KIMBERLY SOBOL, make the following declaration:

1. I am a legal secretary employed by the Corrections Division of the Attorney General's Office in Olympia, Washington. I have knowledge of the facts stated herein and am competent to testify.

2. I am familiar with the Offender Management Network Information (OMNI) computer system used by the Department of Corrections (DOC) and am authorized by the DOC to retrieve information from the OMNI. Among other things, OMNI tracks information regarding an offender's location and custody.

3. I printed out the OMNI Legal Face Sheet and the Sentence

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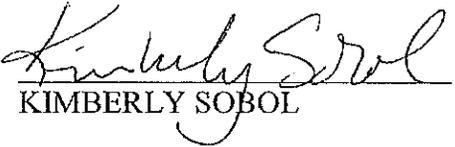
//

APPENDIX 10

Information screen for Teddy Glenn Talley, DOC #304090, to be used as exhibits.

I declare under penalty of perjury of the laws of the State of Washington that the foregoing is true and correct to the best of my knowledge.

SIGNED this 22nd day of January, 2009, at Olympia, Washington.


KIMBERLY SOBOL

SUPREME COURT OF THE STATE OF WASHINGTON

In re Personal Restraint Petition of:

TEDDY GLENN TALLEY,

Petitioner.

**DECLARATION OF
PAULA L. BYRNE**

I, PAULA L. BYRNE, make the following declaration:

1. I am the Legal Liaison Officer for the McNeil Island Corrections Center (MICC) in Steilacoom, Washington. I have knowledge of the facts stated herein and am competent to testify.

2. The DOC maintains an inmate central file for each offender. This file contains information on an inmate's sentence structure and documents relevant to his incarceration. As an LLO, I am a custodian of records kept by DOC in the ordinary course of business.

3. When an offender is received into the custody of DOC, a certified copy of his judgment and sentence becomes an official record in his DOC central file.

4. Upon request of the Attorney General's Office, I provided correct copies of several documents from the central file of inmate Teddy Talley, DOC No. 304090, to be used as exhibits. These include the Judgment and Sentence for Skamania County Superior Court Cause No.

APPENDIX 11

05-1-00111-7, the jail certification for that cause, and letters dated April 28, 2008 and March 11, 2008.

I declare under the penalty of perjury of the laws of the State of Washington that the foregoing is true and correct to the best of my knowledge.

EXECUTED this 23 day of January, 2009, at Steilacoom, Washington.



PAULA L. BYRNE